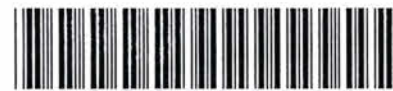


ORIGINAL



0000198984

DUNN 2nd REVISED AMENDMENT 1

DATE PREPARED: July 10, 2019

COMPANY: Arizona Corporation Commission

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
AGENDA ITEM NO: 27
2019 JUL 11 A 8:00

DOCKET NO: AU-00000E-17-0079

OPEN MEETING DATE: July 10-11, 2019

Page 7, Line 20

Arizona Corporation Commission

DOCKETED

DELETE Rule 6.2

JUL 11 2019

INSERT new Rule 6.2:

DOCKETED BY
ad

Rule 6.2 With the exception of Citizens Clean Elections Act candidates, beginning with the 2020 election cycle, if a candidate is elected to the Commission and knowingly accepted individual contributions to his or her Commission candidate committee from a party to a matter before the Commission, the elected candidate shall recuse himself or herself from participating and/or voting on any matter before the Commission involving the party associated with the contribution. Recusal is subject to the doctrine of necessity.

This rule shall apply to a sitting Commissioner who is also running for any local, state, or federal office.

This rule shall also apply to contributors who: (1) represent a party or an organization that represents a party in a matter before the Commission; (2) is associated with a firm or organization in which the contributor is also associated; (3) is an owner, officer, employee, or member of a party or a party affiliate; (4) is an individual or entity retained by a party in connection with a matter before the Commission, even if the retained individual or entity does not formally appear on behalf of a party in a matter before the Commission; (5) is a lobbyist registered with the Commission; (6) is a member of the contributor's family; (7) is a separate segregated fund established by a corporation, limited liability company, labor organization or partnership that is required to register as a political action committee.

Source: A.R.S. §§ 16-901, 16-905, 16-911, 16-913, 16-916, 16-918, 16-922, 16-926; A.A.C. R14-3-103; Ariz. Code of Judicial Conduct, Canon IV; *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)

THIS AMENDMENT:

_____ Passed _____ Passed as amended by _____

_____ Failed _____ Not Offered _____ Withdrawn

Comment: A successful Commission candidate is subject to recusal under the code for violation of this rule, even if the candidate was not a Commissioner during the period of candidacy. For the purposes of this rule, a candidate for the Commission means any person, including a sitting Commissioner, who is seeking selection for the office of Arizona Corporation Commissioner by election or appointment. A person becomes a candidate for the Commission, or any local, state, or federal office, as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the Secretary of State, or other filing authority, authorizes or, where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for election or appointment of office.

For the purposes of this rule, a contribution means any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election. A party means any applicant, complainant, respondent, intervenor, or protestant to a matter before the Commission as defined in A.A.C. R14-3-103. An affiliate means an organization, person, or group that is connected with, or controlled by, a larger group. A member of the contributor's family means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the contributor maintains a close familial relationship.

If a contributor is a party to a matter before the Commission at the time of contribution or after, their party status continues through the duration of the Commissioner's term and applies to any future matters that involve the party. The election cycle means the two-year period beginning on January 1 in the year after a statewide general election and ending on December 31 in the year of a statewide general election. A contributor shall not give, and a political action committee or a political party shall not accept, a contribution that has been earmarked for a candidate for the Commission.

Code of Ethics Appendix

INSERT the statutes attached to this amendment and make conforming changes to the Table of Contents and Bates numbering.

****PLEASE MAKE ALL CONFORMING CHANGES**